

MEMO ENDORSED

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November 11, 2019

Via ECF

Hon. Kenneth M. Karas
United States District Judge
U.S. Courthouse
300 Quarropas Street
White Plains, NY 10601

Re: United States v. Randy Sargeant, et al.
19 Cr. 666 (KMK)

Dear Judge Karas:

In September 2019, I was appointed the CJA attorney for Crystal Martinez, a defendant in the above-referenced matter. I write requesting permission to expend CJA funds to hire an associate, Joshua J. Horowitz, Esq., to assist me in reviewing discovery, preparing and organizing materials in this case, as well as assisting me in the event this matter goes to trial. 

As can be seen in his attached resume, Mr. Horowitz has an outstanding background, particularly with respect to coordinating discovery; and vast experience in federal criminal trials. As is also plain, he has been approved by a variety of District Judges to assist attorneys in numerous criminal trials in this District as well as outside this District. Indeed, in the last year, Judge Paul G. Gardephe approved Mr. Horowitz as CJA counsel to assist me in preparation for trial in *United States v. Hiram Collazo*, 17 Cr. 251 (PGG), which resulted in a guilty plea; and also in *United States v. David Cherry*, 16 Cr. 281 (PGG), which was slated for trial in early 2019, but our client pled guilty in November 2018; we now are engaged in a *Fatico* hearing, which resumes later this month. In both matters, Mr. Horowitz has done an exceptional job. In late October 2018, Judge Andrew L. Carter, Jr. appointed Mr. Horowitz to assist me in *United States v. Benjamin Lucre*, 18 Cr. 420 (ALC); and Judge Richard J. Sullivan appointed Mr. Horowitz to aid me in *United States v. Ramal Curtis*, 18 Cr. 373 (RJS).

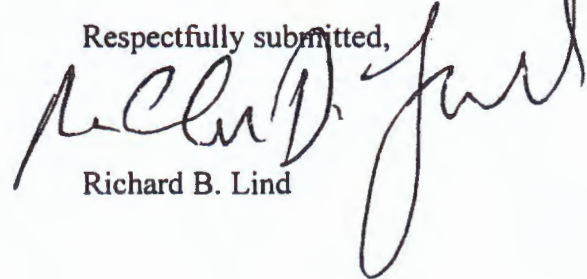
RICHARD B. LIND

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I respectfully request this Court to assign and approve Mr. Horowitz to work on this case as my associate at \$90 per hour. Using Mr. Horowitz to do this work and assist me in advance of trial will be more cost-effective, since Mr. Horowitz will bill at an hourly rate of \$90, whereas I will be billing at an hourly rate of \$148.

Thank you for the Court's consideration of this application.

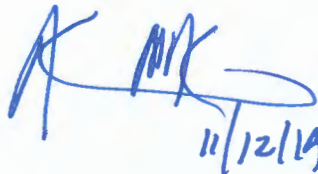
Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read "Richard B. Lind".

Richard B. Lind

Enclosure

Granted -
So ordered -

A handwritten signature in blue ink, followed by the date "11/12/19".

JOSHUA J. HOROWITZ, ESQ.

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SUMMARY

Highly specialized law practice focused on technologically complex computer and Internet fraud cases. Recognized expert in cyber forensics in state and federal courts throughout the United States. Representations include clients charged with complex Internet bank fraud, wire fraud, conspiracy to commit money laundering and computer hacking crimes.

PROFESSIONAL EXPERIENCE

Horowitz Tech Law P.C. (New York, NY)

- *United States v. Calovskis*, 12 Cr. 487 (KMW), SDNY
 - Extradition Matter involving complex Computer Fraud (18 U.S.C. § 1030) allegations charging Latvian national with participating in a major international bank fraud/hacking conspiracy;
 - Duties included review of 8+ Terabytes of discovery data consisting of multiple forensic images of computers and computer servers located around the globe, crafting legal argument involving complex technical issues, drafting discovery demands based on review of technical discovery, and drafting technical portion of sentencing memorandum.
- *United States v. Yucel*, Docket No. 13 Cr. 834 (KPC), SDNY.
 - Representation in International computer fraud case involving the Blackshades malware which infected over 500,000 computers worldwide.
- *United States v. Ulbricht*, (Silk Road), 14 Cr. 68 (KBF), SDNY
 - Charges included allegations of conspiracy to commit money laundering with Bitcoin, continuing criminal enterprise and narcotics trafficking carried out via the Dark Web.
 - Submitted expert declaration in opposition to technical assertions made by the FBI regarding their investigation of computer servers located in Iceland;
 - Reviewed over 6 Terabytes of discovery data including forensic images of computer servers seized from around the world, a laptop computer, and other data;
- *United States v. Brandon Jones*, 16 Cr. 553 (AJN), Southern District of New York
 - Complex fraud matter in the Southern District of New York on federal charges including wire fraud and conspiracy to commit wire fraud.
- *People of the State of New York v. Nicole Addimando*, Docket No. 00074-2018 (March 2019)
 - Qualified as expert in cyber-forensics during murder trial and provided expert testimony relating to unicode character encoding of emoticons, mobile forensic extractions and other subject matters.
- *Barton Perlinder v. Foa & Son Corp., et al.*, NY County Supreme Court Index No:161006/2015 (Kotler, J)
 - Expert affidavit submitted in connection with plaintiff's motion to compel computer forensic examination cited by court in decision granting motion (December 17, 2018).
- *United States v. Amer Al-Haggagi*, 17-Cr-387(CRB), Northern District of California
 - CJA Appointment as computer forensics expert in matter involving charges under 18 USC § 2339B(a)(1) (attempted material support to terrorism) and other charges.
- *United States v. Ankur Roy*, 17-Cv-5217, Hon. Gary Feinerman, Northern District of Illinois (April 2018)
 - Qualified as expert in computer forensics and provided testimony on forensic analysis of .docx file containers in bench proceeding.
- *United States v. Noor Salman*, 17-Cr.-018 (PGB), Pulse Nightclub Shooting Case, Middle District of Florida (March 2018)
 - Qualified as expert in cybersecurity and forensics and provided testimony based on extensive review of multiple computer and cell phone forensic images, server logs and other data, ultimately excluding the possibility that the defendant had been shown a picture of the Pulse Nightclub website days before it was attacked.

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SPEAKING AND PUBLICATIONS

- CLE, National Business Institute, *How To Use Experts In Obtaining and Admitting/ Suppressing Evidence*, (Upcoming March 2019).
- CLE, National Business Institute, *How to Get Your Social Media, E-mail and Text Evidence Admitted and Keep Them Out*, June 2017.
- CLE, Nassau County Criminal Courts Bar Association, *Practice Points: Tackling the Technology Issues in State and Federal Criminal Cases*, Feb. 2017.
- CLE Panelist, National Association of Criminal Defense Lawyers (NACDL), West Coast White Collar Conference – San Diego, *Cybercrime Panel*, June 2016.
- CLE, New York State Association of Criminal Defense Lawyers (NYSACDL) *Defending Technologically Complex Cases*, October 2015.
- CLE, New York County Lawyers Association, *The Ins and Outs of Cybercrime*, Panel Speaker, October 2015.
- Author, *Defending the 21st Century Case: You Don't Know what You Don't Know*, NACDL, *The Champion*, August 2015 issue.
- CLE, New York County Lawyers Association: *General Overview to Defending Cybercrime Matters*, July 2015.
- CLE, New York Criminal Bar Association: *How to Dissect a Hard Drive Full of Discovery in a Criminal Case*, 2014.
- CLE, Pike County Bar Association: *Technology Issues for General-Practice Lawyers*, 2014.
- PyData Software Developer Conference: *Legal Issues in Open-source Software Development*, 2013.
- Co-author, *Crime Lab Science -- A Look Behind the Curtain*, Atticus Volume 24 Number 2, Summer 2012.

OTHER RELEVANT EXPERTISE

- Technical Skills: Extensive familiarity with a wide variety of GNU/Linux operating systems, encryption technologies, network penetration testing tools, database software, PHP, python, and other programming languages; Kali Linux and other forensic tool linux distributions.
- Received training at the Software Freedom Law Center, an organization providing *pro bono* legal counsel to Free and Open Source Software (FOSS) developers.
- Languages: Hungarian (fluent), Spanish (highly proficient), Portuguese (highly proficient), Hebrew (working proficiency), Mandarin (conversational).
- Completed intensive 2 week trial advocacy training course at the National Criminal Defense College (NCDC) in 2016.

BAR ADMISSIONS

- New York
- New Jersey
- United States District Court for the Southern and Eastern Districts of New York
- United States District Court for the District of New Jersey
- United States Court of Appeals for the Second Circuit

PROFESSIONAL AFFILIATIONS

- National Association of Criminal Defense Lawyers (NACDL)

EDUCATION

- Ohio Northern University, J.D
- University of Rochester, B.A.